

## Message Text

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ACTION ORM-02

INFO OCT-01 EA-07 IO-13 ISO-00 DHA-02 SCA-01 EUR-12  
AID-05 VO-03 DODE-00 DEAE-00 SY-05 INSE-00 CIAE-00  
SSO-00 /051 W  
-----070451Z 092402 /12

O R 070313Z JUN 77  
FM AMEMBASSY KUALA LUMPUR  
TO SECSTATE WASHDC IMMEDIATE 7460  
INFO AMEMBASSY BANGKOK  
USMISSION GENEVA  
AMCONSUL HONG KONG  
AMEMBASSY JAKARTA  
AMEMBASSY MANILA  
AMEMBASSY SINGAPORE  
AMEMBASSY TOKYO

LIMITED OFFICIAL USE SECTION 1 OF 2 KUALA LUMPUR 3483  
DEPT PASS ORM AND EA FOR DASST SECY OAKLEY

E.O. 11652: N/A  
TAGS: SREF, MY  
SUBJECT: CEPROGRAM; SITREP ON INDOCHINESE REFUGEES AND LEAP DAL

REF: A) KUALA LUMPUR 3288 B) KUALA LUMPUR 3422 C) KUALA LUMPUR 3428

SUMMARY: CHARGE' AND EMB REFUGEE OFFICER ATTENDED MEETING ON  
JUNE 6 CALLED BY UNHCR REP SAMPATKUMAR TO DISCUSS REFUGEE  
SITUATION IN MALAYSIA AND LEAP DAL. MALAYSIAN AUTHORITIES  
BECOMING INCREASINGLY DISTURBED OVER UNFAVORABLE RATION OF  
ARRIVALS TO DEPARTURES. EMB BELIEVES IT ESSENTIAL THAT  
DEPARTURE OF INS APPROVED REFUGEES FROM MALAYSIA BE ACCELERATED,  
BUT MUST USE ARRIVAL DATES OF BOATS AS PRIORITY DATES FOR  
REFUGEES IN ORDER TO MOVE MORE THAN 30-40 WITHIN NEXT  
FEW MONTHS. PROBLEM EXACERBATED BY FACT LEAP DAL APPARENTLY  
SLOWLY SINKING. SAMPATKUMAR MADE URGENT  
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APPEAL TO THOSE AT MEETING TO ACCEPT LEAP DAL CASES WITHIN  
NEXT TWO WEEKS, WHICH EMB CANNOT POSSIBLY DO UNDER PRESENT  
GUIDELINES. END SUMMARY:

1. AT JUNE 6 MEETING WITH REPRESENTATIVES OF COUNTRIES  
ACCEPTING REFUGEES, UNHCR REP SAMPATKUMAR GAVE STATUS REPORT  
ON LEAP DAL AND MADE URGENT APPEAL TO THOSE PRESENT TO

ACCEPT LEAP DAL REFUGEES WITHIN NEXT FEW WEEKS. PHYSICAL CONDITIONS ON SHIP ARE NOT GOOD. JOHORE STATE OFFICIALS WILL ONLY PERMIT WCRP TO SUPPLY LIMITED QUANTITIES OF FOOD AND WATER. SAMPATKUMAR INDICATED THAT MARINE OFFICIALS EXPECT THE SHIP TO SINK WITHIN 3 OR 4 WEEKS. GOM HAS REQUESTED THE SHIP TO LEAVE, BUT IT IS UNABLE TO SAIL AND WOULD HAVE TO BE TOWED. SAMPATKUMAR STATED THAT BOTH MALAYSIA AND THAILAND HAVE FLATLY REFUSED TO ALLOW LEAP DAL TO LAND. GOM VERY UPSET AT THE PROSPECT OF THE SHIP SINKING IN MALAYSIAN WATERS. SAMPATKUMAR THOUGHT GOM WOULD PROBABLY RESCUE REFUGEES IF SHIP SINKS; HE FEELS, HOWEVER, IF THIS OCCURS IT WILL FURTHER HARDEN THE GOM'S ATTITUDE TOWARDS ACCEPTING BOAT CASES.

2. UNHCR STATES THAT SINGAPORE WILL PERMIT REFUGEES FROM LEAP DAL WHO HAVE GUARANTEES OF RESETTLEMENT TO TRANSIT SINGAPORE, BUT WILL NOT ALLOW SHIP ITSELF INTO SINGAPORE WATERS. THE FOLLOWING COUNTRIES HAVE APPARENTLY AGREED TO ACCEPT SOME REFUGEES FROM THE LEAP DAL:

- A. FRANCE - AT LEAST 50
- B. GERMANY - 19
- C. SWITZERLAND - MAY ACCEPT SOME HANDICAPPED REFUGEES
- D. AUSTRIA - 20
- E. UNITED KINGDOM - NUMBER UDETERMINED.

3. UNHCR HAS URGENTLY REQUESTED U.S. TO CONSIDER ACCEPTING 49 REFUGEES IT BELIEVES ELIGIBLE, PREFERABLY BEFORE THE LEAP DAL SINKS. (SEE REFTEL C.) WE RECOGNIZE REFUGEES ABOARD LEAP DAL ARE NOT BOAT CASES AND WOULD NOT BE LIMITED OFFICIAL USE

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ELIGIBLE FOR CE PROGRAM. HOWEVER GIVEN THE UNUSUAL CIRCUMSTANCES AND URGENCY OF THIS CASE, WE RECOMMEND DEPARTMENT MAKE ONE TIME EXCEPTION TO PERMIT LEAP DAL CASES TO BE CONSIDERED FOR CE PROGRAM. IF DEPT AGREES WE REQUEST INS DISPATCH OFFICER TO INTERVIEW CASES ABOARD LEAP DAL ASAP. PLEASE ADVISE SOONEST.

4. ACCORDING TO UNHCR FIGURES THERE WERE 1,285 REFUGEES GRANTED TEMPORARY ASYLUM IN MALAYSIA UP TO THE END OF 1976. BETWEEN JANUARY 1, 1977 AND MAY 31 THE NUMBER ALMOST DOUBLED TO 2,483. IN ADDITION AT LEAST ANOTHER 600 REFUGEE HAVE BEEN REFUSED TEMPORARY ASYLUM IN THE FIRST 5 MONTHS OF 1977. (SEE REFTEL B) THUS ARRIVALS DURING THIS PERIOD TOTAL OVER 1,800. ONLY 443 DEPARTED FOR RESETTLEMENT DURING THIS PERIOD. THE FIGURES FOR APRIL AND MAY ARE EVEN WORSE 901 GRANTED TEMPORARY ASYLUM, 134 DEPARTED. THE RESULT IS AN EVER GROWING NUMBER OF REFUGEES IN MALAYSIA, AND INCREASING RELUCTANCE ON THE PART OF THE GOM TO HONOR THE PRINCIPLE OF FIRST ASYLUM. SAMPATKUMAR DETAILED SEVERAL CASES

WHERE REFUSAL TO ALLOW BOATS TO LAND RESULTED IN LOSS OF LIFE. AS THE GAP BETWEEN ARRIVALS AND DEPARTURES CONTINUES TO GROW, THE PRESENT CRITICAL SITUATION MAY DETERIORATE TO THE POINT WHERE MALAYSIA WILL FOLLOW SINGAPORE'S LEAD AND REFUSE ADMITTANCE TO ANY BOATS. THE STATE OF SARAWAK IN EAST MALAYSIA WHICH CONTROLS ITS OWN IMMIGRATION HAS ALREADY ADOPTED THIS POLICY, WITH THE CHIEF MINISTER STATING PUBLICLY THAT NO MORE REFUGEE BOATS WILL BE ALLOWED TO LAND. (SEE REFTTEL A) THE POTENTIAL FOR HUMAN TRAGEDY IS OBVIOUS.

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LIMITED OFFICIAL USE SECTION 2 OF 2 KUALA LUMPUR 3483

DEPT PASS ORM AND EA FOR DASST SECY OAKLEY

5. WE RECOMMEND IN THE STRONGEST POSSIBLE WAY THAT SOME ACTION BE TAKEN TO SPEED DEPARTURES OF APPROVED REFUGEES FROM MALAYSIA. FOLLOWING MOVEMENT OF 48 REFUGEES ON JUNE 26, WE WILL HAVE NO CASES WITH PRIORITY DATE PRIOR TO NOV. 15. WE HAVE APPROXIMATELY 35 INDIVIDUALS WITH PRIORITY DATE BEFORE DEC. 15. GIVEN THE LIKELIHOOD THAT PRIORITY DATE WILL ADVANCE SLOWLY, IF AT ALL, FOR SEVERAL MONTHS, AND GIVEN THE GUIDELINE WHICH PROHIBITS USE OF CE NUMBERS FOR REFUGEES WHO COULD GO AS NPV IMMIGRANTS (STATE 123629), WE ANTICIPATE

WE WILL BE ABLE TO MOVE A MAXIMUM OF ONLY 30 TO 40 PEOPLE OVER THE NEXT SEVERAL MONTHS. THIS WOULD BE CATASTROPHIC FOR THE REFUGEE PROGRAM IN MALAYSIA. IT WOULD ALSO VIOLATE ASSURANCES MADE TO THE GOM WHICH RESULTED IN GETTING ALL THE REFUGES FROM THE ROLAND BACK ASHORE, A RARE EXAMPLE OF COOPERATION AND HUMANITARIAN ASSISTANCE ON THIS PROBLEM

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FROM A SEASIAN GOVERNMENT. IN SHORT, FAILURE TO MOVE A SUBSTANTIAL NUMBER OF REFUGEES FROM MALAYSIA WITHIN THE NEXT FEW MONTHS WOULD DESTROY WHAT REMAINS OF U.S. CREDIBILITY ON THIS ISSUE AND PROBABLY WITH IT THE REFUGEE PROGRAM HERE.

6. REQUESTED ACTION: WE MUST BE ALLOWED TO USE DATE OF ARRIVAL OF BOATS IN MALAYSIA AS PRIORITY DATE. IF PERMITTED TO DO SO WE CAN MOVE SEVERAL HUNDRED QUALIFIED REFUGEES INSTEAD OF A FEW DOZEN OVER THE NEXT FEW MONTHS. MANY HAVE SPENT SEVERAL MONTHS ASHORE IN MALYSIA BEFORE THEY WERE INTERVIEWED BY UNHCR OR THE EMB. FAILING THIS WE REQUEST WE BE GIVEN A SUBSTANTIAL NUMBER OF CE NUMBERS TO USE FOR REFUGEES WHO COULD GO AS NPV' S IF THEY HAD PRIORITY DATE. PLEASE ADVISE ASAP.

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## Message Attributes

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**Type:** TE  
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